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CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
LOS ANGELESBY: *S*UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

10 PLAN RIVER INVESTMENT, et al.,) No. CV 12-05590-UA (VBK)
11 Plaintiff,)
12 v.) ORDER SUMMARILY REMANDING
13 MARIO BARRIOS, et al.,)) IMPROPERLY-REMOVED ACTION
14 Defendants.)
15 _____)

16 The Court will remand this "Complaint for Unlawful Detainer Post
17 Foreclosure (Code of Civil Procedure § 1161a) Amount Demanded Does Not
18 Exceed \$10,000.00", Case No. 12 U00515, to state court summarily
19 because Defendant removed it improperly.

20 On June 27, 2012, Defendant Flor De Evora, who is not a named
21 party in what appears to be a routine unlawful detainer action in
22 California state court, lodged a Notice Of Removal of that action to
23 this Court and also presented an application to proceed in forma
24 pauperis. The Court has denied the latter application under separate
25 cover because the action was not properly removed. To prevent the
26 action from remaining in jurisdictional limbo, the Court issues this
27 Order to remand the action to state court.

28 Simply stated, Plaintiff could not have brought this action in

1 federal court in the first place, in that Defendant does not
2 competently allege facts supplying either diversity or federal-
3 question jurisdiction, and therefore removal is improper. 28 U.S.C.
4 § 1441(a); see Exxon Mobil Corp v. Allapattah Svcs., Inc., 545 U.S.
5 546, 563, 125 S.Ct. 2611, 162 L.Ed.2d 502 (2005). Even if complete
6 diversity of citizenship exists, the amount in controversy does not
7 exceed the diversity-jurisdiction threshold of \$75,000. See 28 U.S.C.
8 §§ 1332, 1441(b). On the contrary, the unlawful-detainer complaint
9 recites that the amount in controversy does not exceed \$10,000.

10 Nor does Plaintiff's unlawful detainer action raise any federal
11 legal question. See 28 U.S.C. §§ 1331, 1441(b).

12 Accordingly, **IT IS ORDERED** that (1) this matter be **REMANDED** to
13 the Superior Court of California, Los Angeles County, West Covina
14 Courthouse, 1427 West Covina Parkway, West Covina, California 91790
15 for lack of subject matter jurisdiction pursuant to 28 U.S.C.
16 § 1447(c); (2) that the Clerk send a certified copy of this Order to
17 the state court; and (3) that the Clerk serve copies of this Order on
18 the parties.

19 **IT IS SO ORDERED.**

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21 DATED: July 6, 2012

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23 HONORABLE AUDREY B. COLLINS
24 CHIEF UNITED STATES DISTRICT JUDGE
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